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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,818	07/23/2003	Tyler Sims	10030070-1	7824
57299 7590 01/26/2007 AVAGO TECHNOLOGIES, LTD. P.O. BOX 1920 DENVER, CO 80201-1920			EXAMINER KIM, ELLEN E	
			ART UNIT	PAPER NUMBER
			2874	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/26/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/625,818

Applicant(s)

SIMS, TYLER

Examiner

Ellen Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 11-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 12, 14, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-3, 5, 8, 9, 11, 15-16, 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some \* c) ☐ None of:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

This is responsive to Applicant's RCE filed on 10/26/06. Claims 1-3, 5-9, 11-16, and 18-20 are examined, and Examiner responses to Applicant's claim amendment and arguments made on 9/6/06.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 6, 7, 12, 14, 19, and 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Nystrom et al [USPAT 6,477,222].**

In re claims 1, 6, 7, 12, 14, 19, and 20, Nystrom et al disclose an optical switch system comprising:

A chamber 14;

Gettering structures 30 within the chamber, the gettering structures including heating components [column 5, lines 21-23].

Nystrom et al disclose every aspect of claimed invention except for the gettering structures optically accessible from outside the chamber.

Nystrom et al discloses every aspect of claimed invention except for the glass material or some clear material so that the gettering structure is optically accessible

from outside the chamber. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify to include the glass material or some clear material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. It is also clear that this glass or clear material would improve the device so that observer can notify any malfunction of the device without any further devices or disassembling of the device.

In re claims 6 and 12, Nystrom et al teach at column 5, lines 21-24 that a direct electrical resistance heating means can be utilized.

### ***Allowable Subject Matter***

Claims 2-3, 5, 8, 9, 11, 15, 16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose or suggest a method for purifying fluid within a reflection optical switch system comprising all the specific components with the specific combination including the method step of placing gettering structures including placing heating components around filament holes through which vapor enters the chamber from

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a reservoir as set forth in claims 2, 8, 15; the method step of placing gettering structures including placing heating components on pillars within filament holes through which vapor enters the chamber from a reservoir as set forth in claims 3, 9, 16; a plurality of rectangular-shaped structures, the plurality of rectangular-shaped structures including rectangular-shaped structures of different sizes and composed of different materials so as to target different materials for gettering as set forth in claims 5, 11, 18.

Claim 13 is allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not disclose or suggest a method for purifying fluid within a reflection optical switch system comprising all the specific components with the specific combination including the gettering structures including bridge structures placed over filament holes through which the fluid enters the chamber as set forth in claim 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

For all official patent application related correspondence for organizations reporting to the Commissioner of Patents:

- Correspondence that is transmitted by facsimile must be directed to the central facsimile number, (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen Kim whose telephone number is (571) 272-2349.

The examiner can normally be reached on Monday through Thursday.

Ellen E. Kim  
Primary Examiner  
January 19, 2007/EK

